

# The Gazette of India



PUBLISHED BY AUTHORITY

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**No. 46] NEW DELHI, SATURDAY, NOVEMBER 13, 1954**


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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 6th November 1954 :—

Issue No.	No. and date	Issued by	Subject
253	S. R. O. 3313, dated the 29th October, 1954.	Delimitation Commission, India.	Proposals in respect of distribution of seats allotted to the State of Bihar in the House of the People and the seats assigned to the Legislative Assembly of that State.
253A	S. R. O. 3313A, dated the 30th October, 1954.	Ministry of Labour	Proposals for fixing minimum rates of wages of agricultural employees employed under the authority of the Ministry of Food and Agriculture.
	S. R. O. 3313B, dated the 30th October, 1954.	Ditto . . .	Proposals for fixing the minimum rates of wages of agricultural employees employed under the authority of the Ministry of Defence.
	S. R. O. 3313C, dated the 30th October, 1954.	Ditto . . .	Amendment made in the notification No. S.R.O. 2089, dated the 21st June 1954.
254	S. R. O. 3314, dated the 30th October, 1954.	Ministry of External Affairs	The French Establishments (Administration) Order, 1954.
	S. R. O. 3315, dated the 30th October, 1954.	Ditto . . .	The French Establishments (Application of Laws) Order, 1954.
255	S. R. O. 3316, dated the 1st November, 1954.	Ministry of Finance.	The Central Government directs that the words "French territories in India" occurring in the Ministry of Finance notifications Nos. 12(17)-F.I/47 and 12 (18) -F.I/47, dated the 4th August 1947 shall be omitted.

Issue No.	No. and date	Issued by	Subject
	S. R. O. 3317, 3318, 3319, dated the 1st November, 1954.	Ministry of Finance	The Central Government directs that all coins, bank and currency notes and notes of the denominational value of one rupee shall continue to be legal tender in the French Establishments in India.
	S. R. O. 3320, 3321, 3322, 3323, dated the 1st November, 1954.	Reserve Bank of India.	Amendments made in the notifications Nos. F.E.R.A. 31/47-R. B., dated the 14th August 1947, F.E.R.A. 105/51-R.B., dated the 27th Feb. 1951, F.E.R.A. 110/51-R. B., dated the 17th August 1951 and F.E.R.A. 117/53-R.B., dated the 21st July 1953.
256	S. R. O. 3324, dated the 1st November, 1954.	Ministry of External Affairs.	The Central Government declares 1st Nov. 1954 to be a Public holiday in the French Establishments in India.
	S. R. O. 3325 to S.R.O. 3333, dated the 1st November 1954.	Ministry of Finance. (Revenue Division)	Certain changes made in exercise of the powers conferred by the Sea Customs Act, 1878, as applied to the French Establishments in India.
	S. R. O. 3334, dated the 1st November, 1954.	Ditto	Amendment made in the Central Excise Rules, 1944, as applied to the French Establishments in India.
	S. R. O. 3335 to S.R.O. 3339, dated the 1st November, 1954.	Ditto	Certain changes made in exercise of the powers conferred by the Central Excise Rules, 1944 as applied to the French Establishments in India.
	S. R. O. 3340 to S.R.O. 3345, dated the 1st November 1954.	Central Board of Revenue.	Certain changes made in exercise of the powers conferred by the Sea Customs Act, 1878, as applied to the French Establishments in India.
257	S.R.O. 3346, dated the 2nd November, 1954.	Ministry of Law	Fixation of the hours during which the poll shall be taken in the Purnea-cum-Santhal Parganas Parliamentary constituency in the State of Bihar.
	S. R. O. 3347, dated the 3rd November, 1954.	Ditto	Amendments made in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950.
258	S. R. O. 3386, dated the 4th November, 1954.	Election Commission India.	Final list of candidates for election to the Council of States by the elected members of the Jammu and Kashmir Legislative Assembly.

Issue No.	No. and date	Issued by	Subject
259	S.R.O. 3387, dated the 5th November, 1954.	Ministry of Finance (Revenue Division)	Exemption of groundnut oil exported from India from certain portion of customs duty.
260	S.R.O. 3388, dated the 5th November, 1954.	Election Commission, India.	Notification of the place and hours of poll for the biennial election to the Council of States by the elected members of the Jammu and Kashmir Legislative Assembly.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### PART II—Section 3

**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).**

#### MINISTRY OF HOME AFFAIRS

##### CORRIGENDUM

*New Delhi, the 1st November 1954*

**S.R.O. 3392.**—In the notification of the Government of India in the Ministry of Home Affairs, No. S.R.O. 513, dated the 9th April, 1951, published at page 584 of the *Gazette of India*, Part II, Section 3, dated the 14th April, 1954, for "5" occurring in line 3 read "15".

[No. 9/4/54-F.II.]

By Order,

FATEH SINGH, Dy. Secy.

#### MINISTRY OF EXTERNAL AFFAIRS

*New Delhi, the 3rd November 1954*

**S.R.O. 3393.**—In exercise of the powers conferred by section 8 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (XLI of 1948), the Central Government hereby directs that the following further amendment shall be made to the Diplomatic and Consular Officers (Fees) Rules, 1949, namely:—

In Schedule I to the said Rules, after item 64, the following item shall be inserted, namely:—

"64A. For issuing any document required by a foreign authority for the grant of a permit for residence".

Rs. 3-0-0"

(DCO FR/AM/6)

[No. 660 Cons.]

I. S. CHOPRA, Jt. Secy.

# MINISTRY OF FINANCE

New Delhi, the 3rd November 1954

**S.R.O. 3394.**—In exercise of the powers conferred by the proviso to article 309 read with articles 313 and 372 of the Constitution, and para. 19 of the Adaptation of Laws order, 1950 and after consultation with the Comptroller and Auditor General as required under clause (5) of article 148 of the Constitution, the President hereby directs that the following further amendments shall be made in the Contributory Provident Fund Rules (India), namely:—

In the said Rules, after sub-clause (c) of clause (ii) of sub-rule (1) of rule 2, the following sub-clause shall be inserted, namely:—

“(d) dearness pay appropriate to pay, leave salary or subsistence grant;”

2. This amendment shall in relation to persons who were in the service of the Government on 9th May, 1953 be deemed to have come into force on and from the 15th July, 1952.

[No. F.30(34)-EV/53.]

K. S. GANAPATI, Dy. Secy.

New Delhi, the 6th November 1954

**S.R.O. 3395.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby directs that the following amendment shall be made in the Central Civil Services (Part B States transferred employees) Rules, 1953, published with the Notification of the Government of India in the Ministry of Finance, S.R.O. 843, dated the 29th April, 1953, namely:

After the proviso to sub-rule (2) of rule 9 of the said Rules, the following Explanation shall be inserted, namely:—

“Explanation.—For the purposes of this sub-rule, the expression ‘all the permanent or temporary service rendered by him under the State Government prior to absorption’ shall mean the total length of service, whether permanent or temporary, rendered by a transferred employee in any Acceding State, a Union of States and a Part B State prior to the date of such absorption”

H. F. B. PAIS, Dy. Secy.

## MINISTRY OF FINANCE (REVENUE DIVISION)

### DAINGEROUS DRUGS

New Delhi, the 4th November 1954

**S.R.O. 3396.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Dangerous Drugs Act, 1930 (II of 1930), the Central Government hereby directs that the following further amendment shall be made in the Central Opium Rules, 1934, the same having been previously published as required by sub-section (1) of section 36 of the said Act, namely:—

For the Form of Licence appended to the said Rules, the following Form of Licence shall be substituted, namely:—

#### “FORM OF LICENCE

Licence for the cultivation of poppy in the ..... Tehsil of ..... district in the State of ..... for the purpose of the production of poppy heads only.

.....son of ..... resident of ..... village  
.....is hereby licensed to cultivate poppy in ..... village

of ..... tehsil ..... in the ..... district for the year commencing on the 1st October ..... and ending on the 30th September ..... subject to the following conditions:—

#### Conditions

(1) The licence is granted to the said ..... personally and is not transferable.

(2) The licence-holder shall comply with all the provisions of the Opium Act, 1878 (I of 1878), and the Dangerous Drugs Act, 1930 (II of 1930), and of the Rules made thereunder and for the time being in force. Any infringement of the provisions of the Acts or of the Rules shall be punishable with such fine and/or penalty as has been provided in the appropriate sections of the Act or the relevant Rules.

(3) The licence-holder shall pay duty on the area cultivated at such rates as the State Government may, from time to time, by Notification in the Official Gazette, fix in that behalf.

(4) The licence-holder shall, in disposing of the produce of such cultivation, comply with the following conditions, namely:—

(a) He shall not consume, or permit any person under his authority or control to consume, any part of the produce of his own cultivation.

(b) He shall not sell such produce, otherwise than in accordance with the rules for the time being in force regulating the sale of poppy-heads.

(5) The Collector of the district, in which the area covered by the licence is situated, may, at any time, withdraw the licence by written order stating his reasons therefor:

Provided that except when a licence is withdrawn by reason of breach of its conditions, no licence shall be withdrawn before the 1st of May or after the 1st of October in any calendar year.

(6) If the licence-holder does not sow poppy-seeds before the 1st of December of any year, he shall, not later than the 15th of that month, surrender his licence to the officer-in-charge of the tehsil within the limits of which he is permitted under his licence to cultivate the poppy.

(7) If the licence—

(a) is withdrawn under condition (5), or

(b) is surrendered under condition (6), or

(c) expires, or

(d) ceases to be operative through the cancellation of the Notification permitting the cultivation of poppy in the area covered by the licence, the licensee shall dispose of all produce unsold and in his possession when the licence terminates, in such manner as the Collector of the district may in his discretion direct.

(8) The licence-holder shall not extract opium from the poppy cultivated by him, but shall collect the produce entirely in the form of poppy-heads.

(9) The licence-holder, if he has paid duty on the area cultivated, may transport the poppy-heads produced therefrom from any one place situated within the limits of the tehsil in which he is licensed, to any other place situated within the same limits.

(10) The licence-holder may sell the produce of his cultivation in the form of poppy-heads to any one holding a licence to sell opium wholesale or retail in the State of ..... or to the State Government of ..... or to any one authorised by the said State Government in that behalf.

(11) In selling poppy-heads, as permitted by condition (10), the licence-holder shall not sell less than two maunds of poppy-heads at any one time:

Provided that, if his whole or remaining stock of poppy-heads be less than two maunds, he may sell the whole or such remaining stock at one time.

(12) Whenever the licence-holder sells any of his standing crops of poppy or any of the produce of his cultivation in the form of poppy-heads, he shall enter, or cause to be entered, on the back of this licence the particulars of such sale, and such particulars shall include the nature and quantity of the produce sold, the date of the sale, and the name, description and residence of the purchaser, and shall, if possible, be attested by the signature of the purchaser.

(13) Nothing contained in the foregoing conditions shall prevent the licensee from using or otherwise disposing of such of the contents of the produce of his cultivation as are not capable of yielding narcotics, e.g., seed, or husk, in any manner he chooses.

Date..... Signature of the Licensing Officer.....

Place..... Designation....."

[No. 7.]

M. P. ALEXANDER, Under Secy.

#### CENTRAL EXCISES

*New Delhi, the 13th November 1954*

**S.R.O. 3397.**—In exercise of the powers conferred by rule 12 of the Central Excise Rules, 1944, and in continuation of the Notification of the Government of India in the Ministry of Finance (Revenue Division), No. 40-Central Excises, dated the 22nd September, 1954, the Central Government hereby directs that the following further amendments shall be made in the Notification of the Government of India in the Ministry of Finance (Revenue Division), No. 10-Central Excises, dated the 5th April, 1949, namely:

In the Table annexed to the said Notification—

- (1) in the entry in the second column against Serial No. 1, for the expression "other than *biris* falling within sub-item II(3) of Item No. 9 of the First Schedule of the Central Excises and Salt Act, 1944, and those specified", the expression "other than those specified" shall be substituted; and
- (2) in the entry in the second column against Serial No. 5, for the expression "products of all sorts other than *biris* falling within sub-item II(3) of Item No. 9 of the First Schedule of the Central Excises and Salt Act, 1944", the expression "products of all sorts" shall be substituted.

[No. 48.]

W. SALDANHA, Dy. Secy.

#### CUSTOMS

*New Delhi, the 13th November 1954*

**S.R.O. 3398.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby exempts silicon imported into India and falling under item 87 of the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), from the whole of the duty of customs leviable thereon under the second-mentioned Act.

[No. 151.]

JASJIT SINGH, Dy. Secy.

**CENTRAL BOARD OF REVENUE****CUSTOMS**

*New Delhi, the 2nd November 1954*

**S.R.O. 3399.**—In exercise of the powers conferred by sub-section (4) of section 5 of the Land Customs Act, 1924 (XIX of 1924), the Central Board of Revenue hereby rescinds its Notification No. 51-Customs, dated the 13th October, 1928.

[No. 149.]

S. VENKATESAN, Under Secy.

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**MINISTRY OF COMMERCE AND INDUSTRY**

*Bombay, the 30th October 1954*

**S.R.O. 3400.**—In exercise of the powers conferred by the proviso to Explanation I to sub-section (1) of Section 3 of the *Dhoties* (Additional Excise Duty) Act, 1953 (39 of 1953), the Central Government hereby fixes the permissible quota for the quarter ending on 31st December 1954 and every subsequent quarter, in respect of M/s. The Niranjan Mills Ltd., Surat to be 380,200 (three hundred and eighty thousand and two hundred) yards.

[No. 9(27)-CT(A)/53-10.]

G. V. PILLAI, Under Secy.

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*New Delhi, the 8th November 1954*

**S.R.O. 3401.**—In exercise of the powers conferred by clause (h) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (LXI of 1948), read with sub-rule (1) of rule 6 of the Central Silk Board Rules, 1949, the Central Government hereby directs that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 683, dated the 9th April 1952, namely:—

In the said Notification, for item No. 12, the following item shall be substituted, namely:—

“12. Shri Hakim Ali, Director of Sericulture, Government of Jammu and Kashmir, Srinagar.”

[No. 23(31)-CTB/52.]

P. V. S. SARMA, Under Secy.

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**MINISTRY OF COMMUNICATIONS**

*New Delhi, the 3rd November 1954*

**S.R.O. 3402.**—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953) the Central Government hereby appoints Air Marshal S. Mukerjee, Chief of the Air Staff and Commander-in-Chief, Indian Air Force, as a Member of the Indian Airlines Corporation.

[No. 15-CAG(12)/53.]

**S.R.O. 3403.**—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953) the Central Government hereby appoints Air Marshal S. Mukerjee, Chief of the Air Staff and Commander-in-Chief, Indian Air Force, as a Member of the Air-India International Corporation.

[No. 15-CAG(12)/53.]

B. N. JHA, Secy.

# MINISTRY OF TRANSPORT

(Transport Wing)

## PORTS

New Delhi, the 4th November 1954

**S.R.O. 3404.**—In exercise of the powers conferred by clause (jj) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), and in supersession of the Notification of the Government of Travancore-Cochin, No. IR-7-4383/50/PWC, dated the 23rd June, 1950, the Central Government hereby makes the following rule, the same having been previously published as required by sub-section (2) of the said Section.

## RULE

The rates of rent for the use of space in the warehouses and transit sheds on the Willingdon Island belonging to the Port of Cochin shall be as follows:—

### I. Warehouses and Sheds except "M" Shed at Low Wharf:

- |   |  |
|---|--|
| (1) Under permits issued by the Conservator of the Port of Cochin or any other Officer authorised by him in this behalf for periods not exceeding one year. | Rs. 10 per 100 sq. ft. or less per calendar month or part thereof.                 |
| (2) Under leases for periods  |  |
| (a) exceeding one year but not exceeding three years.   | Rs. 9 per 100 sq. ft. or less per calendar month or prorata for part thereof.      |
| (b) exceeding three years but not exceeding five years.   | Rs. 8/12/- per 100 sq. ft. or less per calendar month or prorata for part thereof. |

### II. "M" Shed at the Low Wharf:

Under permits issued by the Conservator of the Port of Cochin or any other officer authorised by him in this behalf for periods not exceeding one year.

Rs. 12/8/- per 100 sq. ft. or less per calendar month or part thereof.

**NOTE 1.**—If, in order to suit the convenience of the Port a permit is granted for a fraction of a calendar month or if the permit is revoked in the course of a calendar month, rent for the actual period of occupation shall be charged on a pro-rata basis.

**NOTE 2.**—The rates mentioned in sub-items (1) and (2) of Item I above apply only to the storage of wharf import or wharf export goods. When goods other than wharf import or wharf export goods are stored within the wharf premises in accommodation leased specifically for the storage of wharf import or wharf export goods, an additional rent at a rate equal to the wharfage rate fixed for the class of goods concerned shall also be levied. The storage of such goods shall be allowed only in exceptional cases at the sole discretion of the Tariff Manager and with his prior written permission. No services will be rendered by the Port in respect of such goods.

[IPA/6/1(jj)/1/Cochin.]

[No. 6-PII(15)/54.]

A. V. SUBRAMANIA IYER, Under Secy.



**MINISTRY OF WORKS, HOUSING AND SUPPLY**

*New Delhi, the 5th November 1954*

**S.R.O. 3405.**—In pursuance of clause (c) of rule 38 of the Petroleum Rules, 1937, the Central Government hereby directs that the following further amendments shall be made in the Notification of the Government of India, in the late Ministry of Works, Mines and Power No. P.102, dated the 25th November, 1948, namely:—

In the Schedule annexed to the said notification—

(1) in the second column against items 3 and 4, for the entry "The Ports of Cochin and Vizagapatam", the entry "The Ports of Cochin, Vishakhapatnam and Madras" shall be substituted;

(2) all the entries in the first and second columns against items 5 to 8 (both inclusive) shall be omitted and after the entries as so omitted, the following items shall be inserted, namely:—

- |  |                        |
|--|------------------------|
| "5. The Inspector of Explosives, West Circle, Bombay.          | } The Port of Bombay." |
| 6. The Assistant Inspector of Explosives, West Circle, Bombay. |                        |

[No. M-102(27)S&PII/53.]

U. N. SRIVASTAVA, Under Secy.

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**MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH**

*New Delhi, the 5th November 1954*

**S.R.O. 3406.**—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following further amendment shall be made in the Mineral Concession Rules, 1949, namely:—

In rule 17 of the said Rules, after sub-rule (3), the following sub-rule shall be inserted, namely:—

"(4) Where permission has been granted to an applicant for a prospecting licence and he does not take out the licence, the fee paid under rule 15 shall be forfeited to the Government."

[No. MII-152(45)/54.]

T. GONSALVES, Dy. Secy.

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**MINISTRY OF LABOUR**

*New Delhi, the 3rd November 1954*

**S.R.O. 3407.**—In exercise of the powers conferred by section 6 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby directs that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Labour, No. S.R.O. 2087, dated the 21st June, 1954, namely:—

In the said Notification, under the heading "(2) Representatives of employers", for entry 2, the following entry shall be substituted, namely:—

- "2. Shri R. N. Vasudeva, I.A.S., Deputy Secretary to the Government of India, Ministry of Defence, New Delhi."

[No. LWI-2(25)/54.]

P. M. SUNDARAM, Dy. Secy.

New Delhi, the 4th November 1954

**S.R.O. 3408.**—In pursuance of the provisions of clause 27 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1951, and in supersession of the Notification of the Government of India in the Ministry of Labour No. S.R.O. 1934, dated the 8th October, 1953, the Central Government hereby appoints an Appeal Tribunal consisting of the Chairman, Central Government Industrial Tribunal, Dhanbad, who shall be the sole member of the said Tribunal.

[No. Fac.74(6).]

New Delhi, the 6th November 1954

**S.R.O. 3409.**—In exercise of the powers conferred by section 5 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), read with rule 3 of the Dock Workers (Advisory Committee) Rules, 1949, the Central Government hereby appoints Dr. (Mrs.) Maitreyee Bose, President, National Union of Dock Labour, Calcutta as a member of the Dock Workers Advisory Committee to represent dock workers *vice* Shri Ziauddin Ahmed.

[No. Fac.73(6)(ii).]

K. N. NAMBIAR, Under Secy.

New Delhi, the 6th November 1954

**S.R.O. 3410.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the dispute between the employers in relation to Grindlays Bank Limited and their workmen.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 9 OF 1954

##### PRESENT

Shri L. P. Dave, B.A., LL.B.—*Chairman.*

##### PARTIES

Employers in relation to Grindlays Bank Limited.

##### AND

Their Workmen.

##### APPEARANCES

Shri R. L. Sally, Punjab National Bank Limited, 3, underhill Road, Delhi, and

Shri R. K. Bhanot, Punjab National Bank Limited, Tropical Buildings, New Delhi.—*For the workmen.*

Mr. E. Lloyd Williams, Manager, Grindlays Bank Limited, New Delhi.—*For the employers.*

##### AWARD

By Government of India, Ministry of Labour, Order No. LR-100(83), dated 23rd June, 1954, an industrial dispute between the employers in relation to Grindlays Bank Limited and their workmen regarding the question whether the Grindlays Bank Limited should reinstate in its service and/or pay compensation to the nine employees of the bank named in the Schedule annexed to the Order was referred for adjudication to this Tribunal.

2. Notices were issued to the parties. The workmen filed their written statements at exhibits 3 to 11. The bank's replies thereto are exhibits 13 to 21.

3. At the hearing before me, the parties produced memoranda of compromises entered into between the bank on the one hand and eight of the nine employees referred to in the order of reference. They are exhibits 39 to 42. Copies thereof

are annexed to this award as annexures A to D. Under these compromises, these eight workmen have given up their claim for reinstatement. On the other hand, the bank has agreed to make certain payments to them as mentioned therein in full satisfaction of their claims against the bank. These persons were employed in the bank in its Karachi and Lahore Branches before partition of India. As a result of the partition, these and other employees had to leave Pakistan and come over to India. It appears that the bank tried to absorb them in their branches in India, but it could not absorb all of them. These persons were therefore given a notice about the termination of their services and they were also told that their names will be registered by the bank and a job would be offered to them, if and when vacancies occurred in future. It further appears that some vacancies did occur in 1950 and the bank did make some appointments in those posts; but the above employees were not offered posts at that time. There appears to have been some correspondence in the matter. Ultimately the matter has been referred to this Tribunal as stated above. Due to the long break in service of the complainants, it would have created complications if the workmen were reinstated. In my opinion, the compromise under which the workmen have given up their claim for reinstatement and the management have agreed to make certain payments to them are reasonable and proper.

4. As I said above, the case of nine employees was referred to me; but the above compromises relate to only eight of them. There has been no compromise in regard to one of them namely Panna Lal, and the matter has been heard on merits so far as he is concerned and I now proceed to discuss his case. It is an admitted fact that Panna Lal joined the bank's services in January, 1942, and was working at its Lahore Branch at the time of partition. He then came over to India and was absorbed in the New Delhi branch. It appears that on 8th March, 1949, the bank passed an order, transferring him to Madras. He was not willing to do so, and wrote a letter to the Bank about it on 10th March, 1949, and the letter was forwarded by the Delhi Branch to the Bombay Head Office, and he was informed by the manager of the Delhi Branch that the transfer instructions stood and he should proceed to Madras immediately. On 2nd April, 1949, Panna Lal went on leave. On 18th April, 1949, the manager of the Delhi Branch wrote to him that as no further news had reached him he could only assume that he was trying to evade the transfer and that it was expected that he would call at the office on the following day and if he failed to do so, they would be obliged to serve him with a month's notice. It further appears that after this the Head Office at Bombay cancelled the transfer and he was informed about it on 21st April, 1949. Mr. Panna Lal continued to remain on leave on medical grounds and received full pay for the months of May and June and half pay from 1st July, 1949. On 6th August, 1949, he was informed that if he was fit to return to work, he should do so immediately. He did not do so. It however appears that in the meanwhile he had obtained a job elsewhere and begun to work there from 13th May. He worked there full time upto the end of July, though he often absented himself now and then. It also appears that from 1st August, 1949, he began to work in that other job in the afternoons only. In any case, he did not join the bank nor did he inform the bank about his having obtained a job elsewhere. The bank came to learn about this and wrote a letter to him on 28th September, 1949, stating that his action showed that he had left the service without any notice and he was therefore dismissed. These facts are not in dispute. It is also not in dispute that Mr. Panna Lal was paid his contribution to the provident fund with interest thereon. In his written statement Exhibit 8, he has confined his claim to being paid the bank's contribution to the provident fund and gratuity according to the rules of the bank. He has not claimed reinstatement nor has he made any claim for compensation or the like.

5. Thus the only points which I have to consider are as to whether Mr. Panna Lal is entitled to the bank's contribution to the provident fund and whether he is entitled to gratuity according to the bank's rules. The bank's provident fund and gratuity rules are produced at Exhibit 38. Under rule 19 of the provident fund rules (appearing at page 8 of Exhibit 38), it is laid down that the dismissal of a member from the service of the bank for negligence, dishonesty or misconduct of which the bank shall be the sole judges, shall entail on such member the absolute forfeiture of all contributions made by the bank standing to the credit of such member in the subsidiary ledger and all interest which may have accrued thereon. It is under this rule that the bank forfeited the amounts of its contribution and did not pay the same to Panna Lal. It was argued on his behalf that the Bank had no right to forfeit this amount, as it was trust money and the bank could not appropriate it to its own use. In this connection, I may refer to Rule 23 of the

provident fund rules (appearing at page 10 of Exhibit 38). It lays down that all amounts which may accrue to the fund by reason of any lapses or forfeitures shall be transferred to a reserve account to be utilised as the trustees in their absolute discretion think fit for the benefit of the members or retired members or dependents of deceased members or of any such persons collectively or for any other purpose. Under this rule, the amount of the bank's contribution to the provident fund would not go to the bank but would remain with the trustees who could use it for the benefit of other members. This means that the bank is not appropriating any of the trust money to its own use. It only means that this trust money remains with the trustees, who would use it for the benefit of the other beneficiaries. There is nothing wrong in this.

6. I may here point out that Mr. Panna Lal could claim only those amounts which he may be entitled to under the rules and regulations of the provident fund of the bank. Those rules would constitute a sort of contract, and he would be bound by the rules in force. Thereunder the bank's contribution could be forfeited by the bank if he was dismissed for misconduct.

7. There can be no doubt that Mr. Panna Lal was guilty of misconduct. He may have been ill in April; but there is nothing to show that he continued to be ill in May. Actually he obtained another job and worked there from May onwards. It may also be noted that during the months of May, June and July, he was working whole time in another job. This means that he was physically fit to work and yet he obtained leave from the bank on the ground of medical unfitness and obtained full pay from the bank on that ground. Still during this very time he worked elsewhere and got remuneration for it. He was thus clearly guilty of misconduct inasmuch as he obtained medical leave on false grounds and also received pay during this period on false grounds. It was as a result that he was dismissed. In my opinion, the bank was in the circumstances justified in forfeiting its contribution to the provident fund. He is therefore not entitled to any payment on this ground.

8. Regarding gratuity, the rules of the bank appear at pages 16 and 17 of Exhibit 38. Thereunder, it is laid down that the bank would pay gratuity to an employee in the event of his death or voluntary retirement at or after the age of 55 years and that in any other event it will be at the absolute discretion of the bank whether this gratuity should be paid to the employee or not. In the present case, Mr. Panna Lal did not retire voluntarily at or after the age of 55 years but he was dismissed because of misconduct. That being so, under the above rules, he was not entitled as of right to any gratuity, and the bank had an absolute discretion whether to make him any payment or not. If the bank did not make any payment, I do not think that they were wrong in doing so.

9. It was urged that it has been laid down in the case of Messrs. Tata Oil Mills Limited and their workmen, 1952, L. A. C. p.425, that if an employee is dismissed for misconduct, his misconduct must be serious enough to justify the refusal of gratuity. These observations are made when a scheme of gratuity was being framed in that particular case. In that scheme, there was no rule that the gratuity was to be paid only in the event of the member's death or voluntary retirement at or after the age of 55; but under the scheme, he could claim gratuity even if he retired earlier and it was held in that case that an employee should get gratuity even though he was dismissed for misconduct unless the misconduct was serious.

10. Apart from this, I think that in the present case, the management were justified in not granting or giving gratuity because of the misconduct of Mr. Panna Lal. It was argued that it was not a serious misconduct; but I think that the management are right when they say that they expect a high sense of integrity from their employees especially as their business is of banking. If an employee takes leave on false grounds and draws pay not only from the bank but also from another employer at the same time, he should be considered guilty of serious misconduct, disentitling him to gratuity.

11. The result is that so far as Panna Lal is concerned he is not entitled either to reinstatement or any compensation or the like. So far as the other workmen are concerned, they are entitled to the amounts mentioned in the compromise annexures A to D attached herewith, and I pass my award accordingly in terms thereof.

The 29th October 1954.

(Sd.) L. P. DAVE, Chairman.

Central Government Industrial Tribunal, Dhanbad.

## ANNEXURE 'A'

## BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 9 OF 1954

## PARTIES

The employers in relation to Grindlays Bank Limited

AND

Their workmen.

The parties have entered into a compromise as under:—

1. Mr. Baldev Sahai will be paid Rs. 3,500 (rupees three thousand five hundred) in lump by the bank, in addition to gratuity, and provident fund in full satisfaction of his claim against the bank.

2. Inder Raj Sahgal will be paid the following amounts by the bank in full satisfaction of his claim against the bank.

- (a) Salary and allowances from 1st November, 1947 to 23rd April, 1948
- (b) Gratuity equal to 1½ months salary in addition to the gratuity of two months pay which has already been paid.
- (c) Refugee compensation according to the terms of the Sastry Award less amounts paid to him in the shape of subsistence allowance.
- (d) An amount equal to salary and allowances for seven months at the rate he was drawing on 15th August, 1947.

3. Messrs. Baldev Sahai and Inder Raj Sahgal give up their claim for reinstatement.

The 19th October 1954.

(Sd.) A. SIMPSON,  
19-10-54.

(Sd.) E. WILLIAMS,  
19-10-54.

(Sd.) BALDEV SAHAI,  
(Sd.) Inder Raj SAHGAL,  
(Sd.) R. L. SALLY,  
19-10-54

## ANNEXURE "B"

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 9 OF 1954

## PARTIES

The employers in relation to Grindlays Bank Limited

AND

Their workmen.

The parties have entered into a compromise as under:—

1. Mr. Balmukand Kapur will be paid full pay and allowances by the bank upto 30th June, 1948, less any amounts that may have been paid to him by way of subsistence allowance and notice pay in addition he would be paid an amount equal to salary and allowances for six months. He will further be paid Rs. 100/- (rupees one hundred) as an gratia payment. He does not claim reinstatement and the above amounts will be paid to him in full satisfaction of his claim against the bank.

2. Mr. Ramsukh Sharma will be paid full pay and allowances upto 30th June, 1948, less any amounts paid to him by way of subsistence allowance and notice pay. He will further be paid a sum equal to full pay and allowances for six months. He also does not claim reinstatement and these payments will be made to him in full satisfaction of his claim against the bank.

3. Mr. Amarnath will be paid full pay and allowances upto 7th November, 1947, less any amounts that may have been paid to him by way of pay, allowances, subsistence allowance or notice pay for this period. In addition, he will be paid a sum equal to full pay and allowances for six months. He will also be paid two months' basic pay by way of gratuity. He will also be paid the bank's contribution to his provident fund. He also does not press for reinstatement and the amounts as above are to be paid to him in full satisfaction of his claim against the bank.

The 19th October, 1954.

(Sd.) A. SIMPSON,  
(Sd.) E. WILLIAMS.  
(Sd.) BALMOKAND,  
(Sd.) RAM SUKSH SHARMA,  
(Sd.) AMARNATH,  
(Sd.) R. L. SALLY.

#### ANNEXURE 'C'

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 9 OF 1954

#### PARTIES

The employers in relation to Grindlays Bank Limited.

AND

Their workmen.

The parties have entered into a compromise as under:—

1. Mr. K. B. L. Bhatnagar will be paid by the bank full pay and allowances upto 30th June, 1948, less any amounts paid to him by way of subsistence allowance and notice pay. In addition to this he will be paid an amount equal to full pay and allowances for four months. He does not press his claim for reinstatement and the above amounts are to be paid to him in full satisfaction of his claim against the bank.

2. Mr. I. S. Aurora will be paid by the bank full pay and allowance upto 30th June, 1948, less any amounts paid to him by way of subsistence allowance and notice pay. In addition to this he will be paid an amount equal to full pay and allowances for four months. He does not press his claim for reinstatement and the above amounts are to be paid to him in full satisfaction of his claim against the bank.

Camp: New Delhi,

The 19th October, 1954.

(Sd.) A. SIMPSON,  
(Sd.) E. WILLIAMS.  
(Sd.) K. B. L. BHATNAGAR.  
(Sd.) I. S. AURORA.  
(Sd.) R. L. SALLY.

#### ANNEXURE 'D'

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE No. 9 OF 1954

#### PARTIES

Employers in relation to Grindlays Bank Limited

AND

Their workmen.

The parties have entered into a compromise as under.—

Mr. Prem Chand Khanna does not press his claim for reinstatement. The bank agrees to pay to him a sum equal to full pay and allowances for four months at

the same rate as he was drawing then on 15th August, 1947, in full satisfaction of his claim against the bank.

The 19th October, 1954.

(Sd.) A. SIMPSON,

(Sd.) E. WILLIAMS,

(Sd.) PREM CHAND KHANNA,

(Sd.) R. L. SALLY.

[No. LR-100(83).]

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### ORDER

*New Delhi, the 4th November 1954*

**S.R.O. 3411.**—Whereas the industrial dispute between the United Industrial Bank Limited and their workmen was referred, by the Order of the Government of India in the Ministry of Labour No. S.R.O. 2922, dated the 31st August, 1954, to the Industrial Tribunal, Calcutta, consisting of a single member, namely, Shri C. Bhaktavatsalu Naidu;

And whereas the services of Shri C. Bhaktavatsalu Naidu have ceased to be available;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Dhanbad, consisting of a single member, namely, Shri L. P. Dave, constituted by the Notification of the Government of India in the Ministry of Labour No. S.R.O. 275 dated the 3rd February, 1953.

[No. LR-100(21)/54.]

P. S. EASWARAN, Under Secy.

